

<b>Notice of Allowability</b>	Application No. 10/809,007 Examiner Darren W. Ark	Applicant(s) JOHNSON, STEVE M. Art Unit 3643
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amdt. filed 1/18/205.
2.  The allowed claim(s) is/are 1-3,5-11,14 and 15.
3.  The drawings filed on 25 March 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All      b)  Some\*      c)  None      of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*Darren W. Ark*  
**DARREN W. ARK**  
**PRIMARY EXAMINER**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Bender on Thursday, March 3, 2005.

The following amendments to the claims were made to overcome claim objections and 35 U.S.C. 112, 2<sup>nd</sup> paragraph problems, but were not made to overcome any of the prior art of record. The application has been amended as follows:

Claim 1, line 12, replaced "either" with --at least one of--.

Claim 1, line 13, replaced "or" with --and--.

Claim 1, line 16, inserted --of said one or more fish hooks-- after "a leg hook".

Claim 2, line 4, replaced "respective" with --one or more-- and inserted --s-- at the end of "hook".

Claim 5, line 12, replaced "either" with --at least one of--.

Claim 5, line 13, replaced "or" with --and--.

Claim 5, line 17, inserted --of said one or more fish hooks-- after "a tail hook".

Claim 6, line 1, replaced "claims 1 or 5" with --claim 5--.

Claim 6, line 6, inserted --a-- before "shank-to-shank".

Claim 7, line 1, replaced "claims 1 or 5" with --claim 5--.

Claim 9, line 1, replaced "claims 1 or 5" with --claim 8--.

Claim 10, line 1, replaced "claims 1 or 5" with --claim 9--.

Claim 11, line 1, replaced "claims 1 or 5" with --claim 9--.

Canceled claims 12 and 13.

Claim 14 (New). The apparatus of claim 1 wherein said simulated turtle tail includes:

a tail hook of said one or more fish hooks, and

a simulated turtle tail covering attached to said tail hook; and

said tail hook includes:

a first shank portion,

a second shank portion in contact with said first shank portion, and

a shank-to-shank connecting loop connected between said first shank portion and said second shank portion.

Claim 15 (New). The apparatus of claim 14, further including:

a spinner supported by said tail hook.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733 or (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark  
Primary Examiner  
Art Unit 3643

DWA